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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,940	05/09/2006	Wolfgang Friedrich	2004P05249WOUS	5145

22116 7590 03/11/2010
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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03/11/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/578,940</p>	<p>Applicant(s) FRIEDRICH ET AL.</p>	
	<p>Examiner M GOOD JOHNSON</p>	<p>Art Unit 2628</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 February 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 29-32.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Motilewa Good-Johnson/
Primary Examiner, Art Unit 2628

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues the final rejection is deficient because the prior art fails to disclose dynamic simulation and a simulation dynamization, a real component having a process setting determinable by input of a process value via a process link; and providing a process interface in the automation system for receiving input from the process link and connected for setting the real component in accord with the process value. Applicant also argues that Dempski fails to disclose storing sensor and actuator values playback in slow motion or in a backwards direction in time as recited in claim 32. Dempski discloses tracking a real world environment and a virtual image attached to a moving real object such that the tracking is dynamic, furthermore interactive viewing systems in which such applications as manufacturing automation, surgical procedures, educational instruction, multimedia presentation and motion picture production in which computer generated overlay images provide information about real world images, col. 1. Therefore it is the interpretation of the Examiner that Dempski discloses dynamic simulation, in that Dempski discloses dynamic tracking and interactive viewing systems thus providing for a combined display of the virtual image and physical scene simultaneously, col. 7, lines 58-62. Dempski discloses providing activities in a real-world environment and augmented reality of the real world activity by computer generated image to making the activities more efficient, therefore it is the interpretation of the Examiner that Dempski discloses process setting, in that the activity is set, process link, the activity is linked to a computer generated image, and process values, performing the activity, col. 4, lines 51-67. Dempski discloses storing sensor and actuator values col. 3, using remote sensing applications, i.e. optical, video, ultrasonic or magnetic sensing in which the movement is recorded and calculated with respect to the environment, which Examiner interprets as recording sensor and actuator values. Dempski discloses play-back of recorded data in slow motion or backwards, col. 7, lines 44-57, the timing for automated request may be customized for each viewer, 1 or 2 second for fast paced and 5 seconds or longer for slow paced activity, and col. 8, lines 18-39, video frames may be displayed or played back in rapid succession to depict a moving picture as perceived by the viewer, therefore it is the interpretation of the Examiner that if the activity is slow paced or fast paced and the play back is depicted as perceived by a viewer it is played back in slow motion, fast past, or backward direction in time.